



## REMARKS/ARGUMENTS

### STATUS OF THE CLAIMS

Applicants have amended Claims 6, 7, 9, 14, 19, 21, 23, 24, 25, 26, and 28. Claims 1–30 are currently pending.

### CLAIM OBJECTIONS

Applicants have amended Claims 24 and 26 to correct antecedent basis and to clarify the method steps, respectively. Applicants respectfully request removal of the objection to Claims 24 and 26.

### CLAIM REJECTION – 35 U.S.C. § 102

#### Independent Claims 1 and 10

Independent Claims 1 and 10 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,651,903 issued to Pagliai (hereinafter “Pagliai”).

Claim 1 specifies “a conduit defined in the tank and at least partially passing through the cavity, the dispensing tube being at least partially positioned in the conduit.” Claim 10 specifies “providing a dispensing tube at least partially received within the conduit, the dispensing tube having an end fluidly connected to the outlet of the pump.”

Pagliai discloses a sprayer 10 including a container 12 having an outlet passage 32a that is part of a pressure vessel 32. Pagliai discloses that the pressure vessel 32 is one of two structures to hold fluid within the sprayer 10. The pressure vessel 32 is coupled to a pump 60 by tubing 64 and 66. The outlet passage 32a is coupled to a motorized sprayer 50.

If the outlet passage 32a of Pagliai is the “conduit” of Claims 1 and 10 and the motorized sprayer 50 of Pagliai is the “dispensing tube” of Claims 1 and 10, the motorized sprayer 50 is not at least partially positioned in the outlet passage 32a. Also, if the container 12 and/or the pressure vessel 32 of Pagliai is the “tank” of Claims 1 and 10, the outlet passage 32a does not at

least partially pass through the cavity of the container 12 and/or the pressure vessel 32. Rather, the outlet passage 32a begins at the bottom-most portion of the pressure vessel 32.

Accordingly, Pagliai does not disclose “the dispensing tube being at least partially positioned in the conduit” or “providing a dispensing tube at least partially received within the conduit,” as required by Claims 1 and 10, respectively. Therefore, independent Claims 1 and 10 and dependent Claims 2–5, 8, and 11–13 are allowable.

Dependent Claims 2–5, 8, and 11–13

Claims 2–5, 8, and 11–13 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Pagliai. Claims 2–5, and 8 depend from independent Claim 1 and Claims 11–13 depend from independent Claim 10, and are therefore allowable for the reasons discussed above with respect to Claims 1 and 10. Claims 2–5, 8, and 11–13 also specify additional patentable subject matter. Therefore, Claims 2–5, 8, and 11–13 are allowable.

Dependent Claim 2 further specifies “wherein the conduit extends through the tank from a front surface of the tank to a rear surface of the tank.” If the outlet passage 32a of Pagliai is the “conduit” of Claim 2 and the container 12 of Pagliai is the “tank” of Claim 2, the outlet passage 32a does not extend through the container from a front surface of the container to a rear surface of the container. Rather, the outlet passage extends from the bottom section of container 12.

Dependent Claim 3 further specifies “wherein the dispensing tube is at least partially received in the conduit and extends out of the conduit from the rear surface of the tank.” If the motorized sprayer 50 of Pagliai is the “dispensing tube” of Claim 3 and the outlet passage 32a of Pagliai is the “conduit” of Claim 3, the motorized sprayer 50 does not extend out of the outlet passage 32a from the rear surface of the container 12.

Dependent Claim 12 further specifies “pumping fluid from the tank through the conduit from a front surface of the tank to a rear surface of the tank.” If the outlet passage 32a of Pagliai is the “conduit” of Claim 12 and the container 12 of Pagliai is the “tank” of Claim 12, fluid does not pump through the outlet passage 32a from a front surface of the container to a rear surface of the container. Rather, the outlet passage extends from the bottom section of container 12.

Independent Claims 14 and 25

Independent Claims 14 and 25 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by *Pagliai*.

Claim 14 specifies “a cover selectively connectable to the bracket and being operable to substantially cover the pump when connected to the bracket.” Claim 25 specifies “connecting a cover to the bracket, the cover being operable to substantially cover the pump when connected to the bracket.”

*Pagliai* discloses a container 12 with an integral back support 18 and a tubular stand 26. *Pagliai*, col. 4, lines 19–21. A support plate assembly, including an upper plate 54 and a lower plate 56, attaches to the base portion of the stand 26. A battery 58, a motor 59, and a pump 60 are coupled to the upper support plate 54. *Pagliai*, col. 4, lines 44–49. The support plates 54 and 56 can be detached from a base portion 26a of the stand 26. The upper support plate 54 is a generally planar member and has opposing lateral edges bent downwardly and inwardly to form C-shaped channel portions 54a and 54b, each open at their front and back or at least at their front, for slidably engaging side tubing portions 26b and 26c of the base portion of the stand 26. The lower support plate 56 has a lateral dimension less than the distance between the side tubing portions 26b and 26c, and has a front edge bent to form a clamping bracket 56a that engages the lower side of a front interconnecting tubing portion 26a of the stand 26. *Pagliai*, col. 5, lines 39–52.

If the stand 26 of *Pagliai* is the “bracket” of Claims 14 and 25 and the upper support plate 54 of *Pagliai* is the “cover” of Claims 14 and 25, the upper support plate 54 does not substantially cover the pump when connected to the stand 26. Rather, the upper support plate 54 only covers the bottom side of the pump 60.

Accordingly, *Pagliai* does not disclose “a cover selectively connectable to the bracket and being operable to substantially cover the pump when connected to the bracket” or “connecting a cover to the bracket, the cover being operable to substantially cover the pump when connected to

the bracket," as required by Claims 14 and 25, respectively. Therefore, independent Claims 14 and 25 and dependent Claims 15–18, 22, 26–27, and 29–30 are allowable.

Dependent Claims 15–18, 22, 26–27, and 29–30

Claims 15–18, 22, 26–27, and 29–30 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Pagliai. Claims 15–18 and 22 depend from independent Claim 14 and Claims 26–27, and 29–30 depend from independent Claim 25, and are therefore allowable for the reasons discussed above with respect to Claims 14 and 25. Claims 15–18, 22, 26–27, and 29–30 also specify additional patentable subject matter. Therefore, Claims 15–18, 22, 26–27, and 29–30 are allowable.

ALLOWABLE SUBJECT MATTER

Applicants appreciate the indication of allowable subject matter in Claims 6–7, 9, 19–21, 23–24, and 28. Applicants have amended Claims 6–7, 9, 19–21, 23–24, and 28 into independent form by incorporating all of the limitations of the base claim and any intervening claims. Applicants respectfully request allowance of new independent Claims 6–7, 9, 19–21, 23–24, and 28.

CONCLUSION

In view of the above, Applicants respectfully request entry of the amendment and allowance of pending Claims 1–30.

Respectfully submitted,

  
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